

OIA2024 – 200-203

Cody C

Via FYI.org.nz

Dear Cody

I am responding to your three requests under the Official Information Act 1982 (the Act), asking for:

- *Heathcote Expressway cycleway - Please supply the LCSIA for the cycleway and any related communications with Christchurch City Council on or around the period that the LCSIA was conducted.*
- *Please furnish the details of any Easements granted to Christchurch City Council in relation to the Heathcote Expressway cycleway, if any, and any other changes made in accordance with Section 35 of the New Zealand Railways Corporation Act 1981.*
- *Please outline the maintenance arrangements for the railway underpass in Waltham between Thackeray and Falsgrave Streets, near the old Lancaster Park, Christchurch.*

Apologies for the delay in responding, it appears that requests from FYI.org are being mis-identified as bulk/spam email and being directed to junk mail folders. For any future requests you are welcome to email me directly at Dave.Allard@KiwiRail.co.nz or submit requests to OCU@KiwiRail.co.nz.

Please find our answers below.

Firstly, I attach the 2019 LCSIA assessment, commissioned by the Christchurch City Council (CCC) when they were looking at the construction of the cycleway.

The second item is the 2024 LCSIA assessment, again commissioned and paid for by the CCC.

You asked for any relevant communication with the Council from around this time. Please note, these assessments were instructed, commissioned, and paid for by the Council, KiwiRail did not have a major role in the assessments, aside from in our capacity as professional representatives.

I have attached an email from the time of the initial assessment as an example.

The second LCSIA was also commissioned by the Council's project team, with KiwiRail's agreement following a meeting with the Council. This discussion and agreement is set up in the attached letter (letter 1 – updated strategy).

It's probably worth adding a bit of background as well in terms of these assessments.

The Railways Act 2005 (Act) requires all rail operators, including KiwiRail, to meet rigorous safety standards through licensing, risk assessments, and safety audits.

As noted above, the Act requires safety risks at a level crossing to be reassessed whenever there is a "change of use" at a crossing, for example due to new housing developments or new infrastructure that will change how a level crossing is used. This is about understanding increased risk.

Assessments include the Australian Level Crossing Assessment Model (ALCAM) or, more recently, the New Zealand-developed Level Crossing Safety Impact Assessment (LCSIA).



Traditionally the ALCAM level crossing assessment has been used in New Zealand.

However, in 2017, after a person was killed at a level crossing in Ashburton, KiwiRail was criticised by the coroner for the ALCAM risk assessment model not taking into account a number of other safety related factors. As a result, KiwiRail the LCSIA model, was developed in conjunction with NZTA (rail regulator) and the Road Controlling Authorities Forum (NZ) Inc (which represents council road controlling authorities throughout New Zealand).

The LCSIA includes information covered in an ALCAM assessment as well as level crossing incident data (such as collisions and near collisions), local opinion from rail and road representatives, and site-specific factors.

Ordinary and Special Safety Assessments, which includes LCSIA's, are covered in the Railways Act 2005 Section 37. Among other requirements, the independence of the assessor is required to ensure impartiality.

New Zealand Transport Agency, which is the rail regulator requires assessments to maintain high safety standards for public rail and road interfaces, reducing potential conflicts and improving overall safety. KiwiRail, councils, and developers engage third-party independent specialist consultants to carry out LCSIA's as part of project planning and risk management at railway crossings.

Councils or the relevant parties are also required to cover the cost of any resulting level crossing upgrades depending on which party is introducing the increased risk/change of use.

I should add here as well, that KiwiRail is agnostic about what safety measures are recommended through these LCSIA's – however, once received we are obliged to act upon the recommendations.

Question two: Easements

There are no easements in relation to the Heathcote cycleway, the cycleway (as noted in many of the comments over the cycleway closure) is not in our corridor.

There has been a Deed of Grant signed between KiwiRail and the Christchurch City Council. Please find this attached.

Question three: Underpass

I have enquired with the team here in Christchurch and it appears that the underpass in question (asset number 3001094) does not have a grant in place, and thus is maintained by the Council.

Apologies but we do not hold any further information than that.

This information has been released under the OIA. You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website: www.ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dave Allard', written in a cursive style.

Dave Allard

Senior Government Relations Advisor, KiwiRail

